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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,528	04/07/2004	David Sawyer	07844-648001	8330
21876 7590 11/26/2008 FISH & RICHARDSON P.C. P.O. Box 1022 MINNEAPOLIS, MN 55440-1022				
EXAMINER				
TANK, ANDREW L				
ART UNIT		PAPER NUMBER		
2175				
NOTIFICATION DATE		DELIVERY MODE		
11/26/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

### Office Action Summary

**Application No.**

10/820,528

**Applicant(s)**

SAWYER, DAVID

**Examiner**

Andrew Tank

**Art Unit**

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 September 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-13 and 15-33 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1,2,4-13,15-33 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SF-08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The following action is in response to the amendment and request for reconsideration submitted September 3, 2008.
2. No changes have been made to the claims. Claims 1-2, 4-13, and 15-33 are pending and have been considered below.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-2, 4-13, and 15-33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Excel 2000, copyright 1999 Microsoft Corporation, hereafter known as "Excel", as evidenced by Blattner, "Special Edition Using Microsoft Excel 2000", published by Que Corporation 1999, previously presented as "Blattner", and Bott, "Special Edition Using Microsoft Office 2000", published by Que Corporation 1999, previously presented as "Bott", in further view of Oran et al. (US 5,757,371), previously presented as "Oran".

- **Claims 1, 13, and 24:** Excel discloses a method, computer product, and system comprising:
  - receiving from a user of a graphical user interface an input requesting the moving of a button from a source toolbar to a destination toolbar (Blattner page 869-870 "Modifying Toolbars", Fig. 28.13), the button having a button presentation and a set

- of button constraints (Blattner page 871 Fig 28.16, pages 872-873 “Changing the Button Images”), the button constraints including a range of button heights and widths (Bott page 48 Fig. 2.9: “Each image is limited to this palette of colors and a total size of 32 pixels square.”), and the destination toolbar having a toolbar presentation and a set of toolbar constraints (Blattner pages 875-878 “Building Custom Toolbars”);
- calculating an adapted presentation of the destination toolbar with the button, including calculating a modified presentation of the button subject to the set of button constraints and calculating a modified presentation of the destination toolbar subject to the set of toolbar constraints (Blattner pages 875-878 “Building Custom Toolbars”); and
  - drawing the destination toolbar and the button on the destination toolbar according to the adapted presentation (Blattner pages 875-878 “Building Custom Toolbars”).
- However, Excel fails to specifically disclose the toolbar constraints include a range of toolbar heights for horizontal toolbar presentations and a range of toolbar widths for a vertical toolbar presentation, such that when the button is moved from the source toolbar to the destination toolbar, the toolbar constraints determine the size of the moved button. Oran discloses a method for toolbars and shortcut icons to be displayed in a taskbar (Abstract: “A taskbar is provided that provides visual cues, such as buttons..”). The taskbar is resizable (Abstract: “The task bar is resizable..”), with variable heights in a horizontal presentation (Fig. 7 shows the horizontal taskbar being resized about it’s height), and the functionality to place this same resizable

taskbar in a vertical presentation (Fig. 10A shows the vertical taskbar anchored the right edge of the screen). Buttons are contained therein (col 6 lines 56-59, Fig. 3). When buttons are added to the taskbar, all the buttons are redrawn to a new size based on the available area of the taskbar and the number of buttons to be drawn (col 7 lines 5-19, Fig. 3, Fig. 5). The redrawn size for the buttons is uniform and the taskbar size does not change (Fig. 5). As would have been obvious to one having ordinary skill in the art at the time the invention was made, in the case of a vertical toolbar, the width is resizable. The button widths are modified when the toolbar constraint, i.e. the toolbar width, is modified. Simple substitution of this method in a horizontal toolbar having height changes would yield the predictable result of the buttons resizing according to the toolbar constraints, i.e. the toolbar height is modified, modifying the height of the buttons. Therefore, it would have been obvious to one having ordinary skill in the art and having the teachings of Excel and Oran before them at the time the present invention was made, that when a user drags a button from a source toolbar to a destination toolbar, as taught by Excel, the button is presented on the destination toolbar in by resizing the moved button in order to present a uniform button array to the user without modifying the size of the destination toolbar, as taught by Oran. One would have been motivated to perform this sizing in order to allow a user to customize the toolbars, as suggested by Excel. Further, resizing the icons on the customized toolbar will provide the user with an adequate display of all available buttons, as suggested by Oran (col 6, lines 61-63).

- **Claims 8, 19 and 29:** Excel discloses a method, computer product, and system comprising:

- receiving in a graphical user interface an input requesting the docking of a source toolbar to a destination band, the destination band including a destination toolbar (Blattner pages 869-870 “Modifying Toolbars”, Fig. 28.13 and Bott pages 40-41 docking toolbars), the source toolbar having one or more source toolbar buttons (Blattner pages 869-870 default toolbars, Fig. 28.13) , each of the one of more source toolbar buttons having a button presentation and a set of button constraints (Blattner page 871 Fig 28.16, pages 872-873 “Changing the Button Images”), the button constraints including a range of button heights and widths (Bott page 48 Fig. 2.9: “Each image is limited to this palette of colors and a total size of 32 pixels square.”), the source toolbar having a toolbar presentation and a set of toolbar constraints (Blattner pages 875-878 “Building Custom Toolbars”), the destination toolbar having a toolbar presentation and a set of destination toolbar constraints (Blattner pages 875-878 “Building Custom Toolbars”);
- calculating an adapted presentation of the destination band with the one or more source toolbar buttons, including calculating a modified presentation of the one or more source toolbar buttons subject to the set of button constraints and calculating a modified presentation of the source toolbar and the destination toolbar subject to the set of destination toolbar constraints (Bott page 41 paragraph 1); and
- drawing the destination band including the destination toolbar with the one or more source toolbar buttons according to the adapted presentation (Bott et al. page 41 paragraph 1).

- Excel fails to disclose the source toolbar constraints and destination toolbar constraints include a range of heights for horizontal presentations and a range of widths for vertical presentations and such that when the button is moved from the source toolbar to the destination toolbar, the toolbar constraints determine the size of the moved button. Oran discloses a method for toolbars and shortcut icons to be displayed in a taskbar (Abstract: "A taskbar is provided that provides visual cues, such as buttons.."). The taskbar is resizable (Abstract: "The task bar is resizable.."), with variable heights in a horizontal presentation (Fig. 7 shows the horizontal taskbar being resized about it's height), and the functionality to place this same resizable taskbar in a vertical presentation (Fig. 10A shows the vertical taskbar anchored the right edge of the screen). Buttons are contained therein (col 6 lines 56-59, Fig. 3). When buttons are added to the taskbar, all the buttons are redrawn to a new size based on the available area of the taskbar and the number of buttons to be drawn (col 7 lines 5-19, Fig. 3, Fig. 5). The redrawn size for the buttons is uniform while the taskbar size does not change (Fig. 5). As would have been obvious to one having ordinary skill in the art at the time the invention was made, in the case of a vertical toolbar, the width is resizable. The button widths are modified when the toolbar constraint, i.e. the toolbar width, is modified. Simple substitution of this method in a horizontal toolbar having height changes would yield the predictable result of the buttons resizing according to the toolbar constrains, i.e. the toolbar height is modified, modifying the height of the buttons. Therefore, it would have been obvious to one having ordinary skill in the art and having the teachings of Excel and Oran before

them at the time the present invention was made, that when a user docks a source toolbar to a destination toolbar, as taught by Excel, the source buttons are presented on the destination toolbar by resizing the moved buttons in order to present a uniform button array to the user without modifying the size of the destination toolbar, as taught by Oran. One would have been motivated to perform this sizing in order to allow a user to customize the toolbars, as suggested by Excel. Further, resizing the icons on the customized toolbar will provide the user with an adequate display of all available buttons, as suggested by Oran (col 6, lines 61-63).

- **Claim 2:** Excel and Oran disclose the button and toolbar method of claim 1 above, and Excel further discloses wherein: the input further includes a request to move a control, the control having a control presentation and a set of control constraints (Blattner page 877 “Add buttons from the Commands tab in the Customize dialog box.”).
- **Claim 4, 9, 15, 20, 25, and 30:** Excel and Oran disclose the button and toolbar methods, computer products, and systems of claims 1 and 8, 13 and 19, and 24 and 29 above respectively, and Excel further discloses wherein: the destination toolbar includes a set of destination toolbar buttons at a time of the input; and the toolbar constraints comprise constraints specific to the destination toolbar and constraints derived from the set of destination toolbar buttons (Blattner page 869 “Excel enables you to add and remove buttons on any of the default toolbars..”).
- **Claim 5, 10, 16, 21, 26, and 31:** Excel and Oran disclose the button and toolbar methods, computer products, and systems of claims 1 and 8, 13 and 19, and 24 and 29 above respectively, and Excel further discloses wherein: the button presentation is defined by vector



graphic data; and calculating a modified presentation of the button comprises calculating a size for the button, where the size is determined solely by the modified presentation of the destination toolbar (Blattner page 872 “Copy an image from an image file.”).

- **Claim 6, 11, 17, 22, 27, and 32:** Excel and Oran disclose the button and toolbar methods, computer products, and systems of claims 1 and 8, 13 and 19, and 24 and 29 above respectively, and Excel further discloses wherein: the button presentation is defined by raster graphic data and the button constraints specify that the button should be presented at one of a fixed number of presentation sizes (Blattner page 872-873).
- **Claim 7, 12, 18, 23, 28, and 33:** Excel and Oran disclose the raster button and toolbar methods, computer products, and systems of claims 6 and 11, 17 and 22, and 27 and 32 above respectively, and Excel further discloses wherein: the fixed number of presentation sizes includes sizes of 24-by-24 pixels and 32-by-32 pixels (Bott page 48 Fig. 2.9).

#### ***Response to Arguments***

5. Applicant's arguments filed September 3, 2008, have been fully considered but they are not persuasive.
6. Applicant argues (pages 1-2), with regards to claim 1, that Bott fails to disclose a range of button heights and widths. The examiner respectfully disagrees. Bott discloses: “Each image is *limited to this palette of colors and a total size of 32 pixels square.*” –Emphasis. Bott clearly discloses a range of button heights and widths because the maximum size that the user-create image is limited to is a total size of 32 pixels square. The image can clearly be less than 32 pixels square. The argument is not persuasive.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Tank whose telephone number is 571-270-1692. The examiner can normally be reached on Mon - Thur 0830-1700 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on 571-272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. T./  
Examiner, Art Unit 2175  
November 14, 2008

/Kieu D Vu/  
Primary Examiner, Art Unit 2175